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EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2151

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,985

Applicant(s)

ALLAVARPU ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 12/28/2004, PROSECUTION IS HEREBY REOPENED. The Office Action sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-31 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements

of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 5, 7, -10, 13-16, 18-21, 26, 27 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al., US pat. No.5,758,186.

As to claim 1, Hamilton discloses a method for managing a network, the method comprising:

a client (34 fig.2) generating a request for type information for an attribute or event, wherein the request is expressed in an interface definition language (i.e., IDL language), wherein the interface definition language is operable to define object interfaces across a plurality of platforms and across a plurality of programming languages (see abstract, figs.1, 2, abstract, col.2 line 58 to col.3 line 23).

sending the request for type information to an object request broker (70 fig.2) and a metadata gateway receiving the request for type information from the object request broker (see col.3 line 36 to col.4 line 37).

reading the type information from a metadata repository (106 fig.5), wherein the type information is stored in a database format in the metadata repository and translating the

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type information from the database format to the interface definition language (see fig.5, col.4 lines 38-65 and col.5 lines 9-58).

the metadata gateway sending the translated type information to the object request broker and the client receiving the translated type information for the attribute or event through the object request broker, wherein the translated type information is expressed in the interface definition language (see col.4 lines 38-65 and col.5 lines 9-58).

As to claims 5 and 13, Hamilton discloses sending the request for type information to an object request broker, the metadata gateway receiving the request for type information from the object request broker, the metadata gateway sending the translated type information to the object request broker, and the client receiving the translated type information for the attribute or event through the object request broker are effected via an internet inter-object communication protocol (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34).

As to claim 7, Hamilton discloses the metadata gateway is implemented on a single server computer system (see fig.2).

As to claim 8, Hamilton discloses the metadata gateway is distributed over a plurality of servers, wherein each of the plurality of servers presents a substantially identical view of the metadata gateway (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34).

As to claims 9 and 26, Hamilton discloses the interface definition language is class independent (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34).

As to claim 10, Hamilton discloses a method for managing a network, the method comprising:

a client (34 fig.2) generating a request to encode type information for an object, attribute, or event, wherein the request is expressed in an interface definition language, wherein the interface definition language is operable to define object interfaces across a plurality of platforms and across a plurality of programming languages (see abstract, figs.1, 2, abstract, col.2 line 58 to col.3 line 23).

sending the request to an object request broker (70 fig.2) and a metadata gateway receiving the request to encode the type information from the object request broker and translating the type information from the interface definition language to a database format (see fig.5, col.4 lines 38-65 and col.5 lines 9-58).

storing the type information in a metadata repository (106 fig.5), wherein the type information is stored in a database format in the metadata repository (see fig.5, col.4 lines 38-65 and col.5 lines 9-58).

As to claim 14, Hamilton discloses a network management system comprising:

a metadata repository (106 fig.5) comprises metadata concerning object classes for a plurality of managed objects, wherein the metadata comprising information expressed

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in a database format, and wherein the managed objects correspond to managed devices (see abstract, figs.1, 2, abstract, col.2 line 58 to col.3 line 23).

a metadata gateway which is communicatively coupled to the repository and to an object request broker (70 fig.2), wherein the metadata gateway is operable to send and receive the metadata from the database, wherein the metadata gateway provides translation of the metadata to and from the database format and an interface definition language (see fig.5, col.4 lines 38-65 and col.5 lines 9-58).

wherein the interface definition language is operable to define object interfaces across a plurality of platforms and across a plurality of programming languages (see col.4 lines 38-65 and col.5 lines 9-58).

As to claims 18-19 and 21, Hamilton discloses plurality of object types is a programming-language independent and platform independent interface including CORBA objects and COBRA ORB (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34).

As to claim 20, Hamilton discloses the object request broker is configurable to be accessed by a plurality of network management clients to obtain the metadata as expressed in the generic interface (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34).

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As to claim 22, Hamilton discloses a carrier medium comprising program instructions, wherein the program instructions are computer-executable to implement:

a metadata gateway receiving a request for type information from an object request broker (70 fig.2) (see abstract, figs.1, 2, abstract, col.2 line 58 to col.3 line 23).

reading the type information from a metadata repository (81 fig.4), wherein the type information is stored in a database format in the metadata repository and translating the type information from the database format to an interface definition language (see fig.5, col.4 lines 38-65 and col.5 lines 9-58) and using the metadata gateway sending the translated type information to the object request broker (see col.4 lines 38-65 and col.5 lines 9-58).

As to claim 27, Hamilton discloses a carrier medium comprising program instructions which are computer executable to implement:

a metadata gateway receiving a request to encode type information from an object request broker (70 fig.2) (see abstract, figs.1, 2, abstract, col.2 line 58 to col.3 line 23).

translating the type information from an interface definition language to a database format storing the type information in a metadata repository (106 fig.5) ((see fig.5, col.4 lines 38-65 and col.5 lines 9-58), wherein the type information is stored in a database format in the metadata repository (see col.4 lines 38-65 and col.5 lines 9-58).

As to claim 15 and 16, Hamilton discloses a telephone system and a network switch (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-4, 6, 11, 12, 17, 23-25 and 28-30 are rejected under 35 USC § 103(a) as being unpatentable over Hamilton, US pat. No.5,758,186 in view of Kulkarni et al US pat. No.5,848,243.

As to claims 2-4, 6, 17, 23-25 and 28-30, Hamilton 's teachings still applied as in claim 1 above. Hamilton further discloses translating data type from the data base format and IIOP (see fig.5, col.3 line 36 to col.4 line 51 and col.6 line 46 to col.7 line 34). Hamilton does not specifically disclose translating the type information from the database format to an abstract syntax notation and ASN1, and then translating the type information from the abstract syntax notation to the interface definition language.

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However, Kulkarni discloses using different data formats with the use of an abstract syntax notation including ASN1 (see abstract, col.6 lines 20-43). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize ASN1 in the computer system of Hamilton to translating data formats because it would have facilitated the exchange of structured data especially between application programs over networks by describing data structures in a way that is independent of machine architecture and implementation language.

Claims 11 and 12 are rejected for the same reasons set forth in claims 2 and 4 respectively.

Response to Arguments

7. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Claims 1-31 are *rejected*.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Patent Examiner
Art Unit 2151
4/15/2005